

## HEIRS OF GEORGE T. HOWARD.

APRIL 13, 1904.—Ordered to be printed.

Mr. OVERMAN, from the Committee on Claims, submitted the following

### REPORT.

[To accompany S. 5304.]

The Committee on Claims, to whom was referred the bill (S. 5304) for the relief of the heirs of George T. Howard, have had the same under consideration and now beg to report it back to the Senate favorably and without amendment, and to recommend that the bill do pass.

A bill similar as to title and amount was reported to the House of Representatives by the Committee on War Claims of that body in the Fifty-seventh and Fifty-eighth Congresses. The report of that committee (H. Rept. No. 2456) in the Fifty-seventh Congress reads as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1750) for the relief of the heirs of George T. Howard, deceased, submit the following report:

It appears from the proof submitted in support of the bill that in the year 1866 United States troops took possession of the property of the claimant situated in San Antonio, Tex., and injured it to the extent of \$2,077.80.

On April 4, 1866, by Special Orders, No. 82, Headquarters Central District of Texas, a board of survey was appointed for the purpose of assessing damage alleged to have been done to property of George T. Howard by the United States forces and fix responsibility for the same. The board of survey under this order met, and in their report recommended that the claimant be paid the sum of \$2,077.80 for damages and injury to his property.

Your committee recommend the passage of the bill.

Special Orders, No. 82, referred to, and the proceedings of the board of survey appointed under that order, are included in your committee's report as matters of interest and information:

Proceedings of a board of survey called by the following order:

SPECIAL ORDERS, }  
No. 82. }

HEADQUARTERS SEPARATE BRIGADE,  
CENTRAL DISTRICT OF TEXAS,  
San Antonio, Tex., April 4, 1866.

A board of survey is hereby appointed to convene at Vance Building, San Antonio, April 6, at 10 o'clock a. m. for the purpose of assessing damage alleged to have been done to property of Geo. T. Howard, esq., by United States forces and fix responsibility for the same.

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Capt. Charles J. Fox, Fourth Michigan Volunteer Infantry.

First Lieut. R. A. Sprague, Third Michigan Volunteer Infantry.

Second Lieut. Homar Karber, Eighteenth New York Cavalry Volunteers.

By command of Byt. Brig. Gen. James Shaw, jr.

GEO. R. SHERMAN,

Captain Seventh U. S. Colored Troops, Acting Assistant Adjutant-General.

SAN ANTONIO, TEX., April 6, 1866.

At 10 o'clock a. m. the board met pursuant to the foregoing order.

Present: Capt. Charles J. Fox, Fourth Michigan Volunteer Infantry; First Lieut. R. A. Sprague, Third Michigan Volunteer Infantry; Second Lieut. Homar Karber, Eighteenth New York Volunteer Cavalry.

The board then proceeded to investigate the question as to the damages claimed to be done by the United States forces to the property of George T. Howard, esq., at San Antonio, Tex.

J. H. Kampmann, esq., citizen of San Antonio, Tex., a duly authorized agent for George T. Howard, esq., being duly sworn, represents the damages done to said premises as follows:

On the 1st day of November, 1865, when Brevet Brigadier-General Post established his headquarters in the building of George T. Howard, esq., at San Antonio, Tex., the whole property was in very good condition, the house, fences, etc., having been newly repaired.

The general moved his headquarters train, ambulance, and a company of mounted men in the yard in rear of the building. The yard was fenced in on two sides with a board fence and the rear of the lot with cedar poles.

The yard contained a barn, a grapevine arbor 243 feet long, 32 bearing grapevines between 5 and 7 years growth, imported from Germany, and 88 bearing peach trees between 5 and 7 years growth. I soon learned that the wagons, mules, and horses caused the destruction of the property and begged General Post to remove his train out of the yard, which was not complied with. When he was relieved from command I found the upper floor in the barn, the stalls, etc., destroyed, the fences entirely broken down, the poles and boards missing, the grapevine arbor partly destroyed, the most of the grapevines torn out, the peach trees broken down, and the walls, windows of the house, and the stone fence in front of the building partially injured.

After the premises were vacated by the United States forces I commenced repairing the damages done, and made the following expenditures:

For the fences, gates, barn, etc., 3,254 feet of lumber, per foot, 30 cents, including work, amounts to .....	\$976. 20
For the fence in rear of the lot, 100 cedar posts, amounting to .....	30. 00
For repairs of the house, doors, and windows, gates, and the stone fence in front of the house, including materials, as lime, sand, hinges, nails, etc., amounting to .....	152. 00
I value 88 peach trees, \$20 each, which amounts to .....	1,760. 00
32 grapevines, \$20 each .....	640. 00
The whole amount of damages done .....	3,558. 20

GEORGE K. NAIRN, regimental quartermaster Third Michigan Volunteer Infantry, being duly sworn, makes the following statement:

I was appointed as acting quartermaster subdistrict of San Antonio, Tex., on the staff of Brevet Brigadier-General Post on the 15th day of December, 1865, and relieved Capt. J. W. Hall, Thirteenth Wisconsin Infantry, and found the property of George T. Howard, esq., in the following condition:

The fences, which included the back yard, were nearly all destroyed, the gates torn down, etc. A headquarters train of ten 6-mule teams, one 4-mule ambulance, and 18 private and public horses, which filled the yard nearly full, and the destruction of the property belonging to George T. Howard, esq., was in my opinion unavoidable.

I remained as assistant quartermaster of the subdistrict of San Antonio until the 23d day of January, when the premises were vacated. During the whole time that I was connected with the headquarters I took particular pains to see that no property was destroyed which could in any way be avoided.

Q. Were there any peach trees and grapevines standing in the yard when you were first appointed on the staff of Brevet Brigadier-General Post?—A. There were no peach trees in the yard, but a few grapevines.

Q. What time was General Post relieved from command of the district?—A. On or about the 25th day of December, 1865.

Sergt. WARREN T. SPINK, Company I, Third Michigan Volunteer Infantry, being duly sworn, deposes and says:

I was detailed on the 24th day of November, 1865, and placed in charge of the escort of Brevet Brigadier-General Post, commanding subdistrict of San Antonio, Tex. I found on the premises of George T. Howard, esq., then occupied as headquarters of the subdistrict of San Antonio, Tex., 18 horses, 10 or 12 six-mule wagons, 1 four-mule ambulance, and about 75 mules, all of which were in the back yard. The grapevines and arbor were torn down by the mules breaking loose and getting entangled in the grapevines.

Q. Did you on the 24th day of November, 1865, find any peach trees in the said yard?—A. I only found a few stumps of peach trees.

Q. Was the fence in good condition when you reported for duty at subdistrict headquarters?—A. The most of it I found torn down.

Q. Did General Post give any particular instructions in regard to the preservation of the property?—A. The General gave me the order to keep everything in good order and not destroy any property belonging to the said Howard, but we had so much transportation, horses, etc., that filled the yard more than full, it was therefore impossible for me to prevent the destruction of said property.

Capt. HENRY CLUBB, assistant quartermaster U. S. Volunteers, being duly sworn, makes the following statement:

I was depot quartermaster in the post of San Antonio, Tex., when General Post assumed command of the subdistrict of San Antonio, and selected the building of George T. Howard, esq., for his headquarters; was cognizant with the condition of the premises aforesaid; went with the said Howard at his request and examined the back yard, found the fences, gates, barn, and buildings in good order.

Q. Did you find the back yard filled with peach trees and the arbor covered with grape vines?—A. I did.

Q. How many years' growth do you think these peach trees had?—A. I judge about five years.

Q. Were all the peach trees and grape vines in good condition when you saw them?—A. They were.

Q. How much do you value each tree?—A. About \$25. If it was my own home-  
stead I would not like to have one destroyed for \$100.

Q. Were you acquainted with the price of lumber when those premises were repaired? If so, state what it was worth per thousand.—A. One hundred and fifty dollars per thousand.

The board then proceeded to the premises of said George T. Howard, esq., and after a careful investigation of damages done to said premises we fixed said damages as follows:

3,252 feet of lumber, at \$150 per 1,000, which amounts to.....	\$487. 80
100 fence poles, at 30 cents each, which amounts to.....	30. 00
180 feet picket fence made of long cedar poles, at 50 cents per foot, which amounts to.....	90. 00
Lime, sand, glass, door hinges, etc., amounts to.....	70. 00
Labor repairing house and premises.....	400. 00
Damage done to trees, grape vines, and other shrubbery.....	1, 000. 00

Which in all comprises the sum of..... 2, 077. 80

Being unable to obtain evidence in regard to the necessity of keeping this head-  
quarter train and escort on these premises, we most respectfully submit the foregoing  
actions for approval.

C. J. FOX,

*Captain, Fourth Michigan Infantry.*

R. A. SPRAGUE,

*First Lieutenant, Third Michigan Infantry.*

H. KARBER,

*Second Lieutenant, Eighteenth New York Cavalry.*

H. Karber, late a second lieutenant in the Eighteenth Regiment of  
New York Cavalry Volunteers and a member of the board of survey  
in question, made the following affidavit on the 30th day of November,  
A. D. 1900:

STATE OF TEXAS, *County of Bexar.*

I hereby make oath that I was a second lieutenant in the Eighteenth New York  
Cavalry, U. S. Army, in 1866, and that I was a member of a board of survey appointed  
by Brig. Gen. James Shaw, jr., commanding department, District of Texas, for the  
purpose of appraising the amount of damage done to the premises of George T. How-  
ard, San Antonio, Tex., by reason of occupying the same as headquarters for Brig-  
adier-General Post, U. S. Army; that I, in company with Capt. Charles I. Fox and  
First Lieut. R. A. Sprague, my associates on the board, made the investigation and  
the appended reports of same, and that the facts are as true to-day as at that date,  
with the exception that the amount of damage we awarded was governed by the  
price of material and labor at that date.

H. KARBER.

STATE OF TEXAS, *County of Bexar*:

Before me, Wm. H. Young, a notary public in and for Bexar County, Tex., personally appeared Homar Karber, who is known to me to be the person whose name is subscribed to the above instrument of writing, and says that the same is true.

Sworn to and subscribed before me this 30th day of November, A. D. 1900.

[SEAL.]

WM. H. YOUNG,  
*Notary Public, Bexar County, Tex.*

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